

REMARKS

Amendments:

Support for the amendments to the claims can be found in the application as originally filed. No new matter is added.

Fees:

Any necessary claim or other fees are to be charged to and any refunds credited to deposit account 26-0166.

Claims:

Claims 1 and 3 - 8 remain under examination. Claims 2, 9-16, 25, 25 and 34 have been cancelled. Claims 17 - 24 and 27 - 33 are withdrawn.

Claim Objections:

Applicants have amended claim 1 to address the Examiner's objection. The objection is thereby obviated and Applicants respectfully request that it be withdrawn.

Claim rejections - 35 U.S.C. § 112, first paragraph:

The Examiner alleges that the specification does not enable a "solvate or salt of a solvate." Applicants disagree, however solely to advance prosecution of this application, "solvate or salt of a solvate" has been cancelled from claim 1 and 3 - 8 by the amendment submitted herein. Accordingly, Applicants respectfully request that this claim rejection under 35 U.S.C. § 112, first paragraph be withdrawn.

Claim rejections - 35 U.S.C. § 112, second paragraph:

The Examiner alleges that the scope of the terms "heteroaryl" and "heterocyclic ring" require clarification. Applicants respectfully traverse the rejection and take the position that the definitions do particularly point out and distinctly describe a set of ring structures. Applicants point out that in the specification at pages 19-20 heteroaryl is defined and that, similarly, on page 20 heterocyclic ring is defined. Applicants respectfully submit that a person skilled in the art would understand the individual rings encompassed by the terms and that in any event such an individual would refer to the specification if any further clarity was needed.

Claim rejections - 35 U.S.C. § 102(e):

The Examiner alleges that 2-pyrazinecarboxamide, 3-amino-N-methyl-6-[3-[[[(phenylmethyl)amino]sulfonyl]phenyl]- anticipates claims 1, 5 and 8.

Applicants have amended claim 1 to recite that R¹ and R² together form a substituted 5 or 6 membered heterocyclic ring. Accordingly, claim 1 as amended herein does not read on the cited compound. Accordingly, Applicants respectfully request that this claim rejection under 35 U.S.C. § 102(e), be withdrawn.

Conclusion:

Applicants respectfully solicit further prompt action on the merits.

Respectfully submitted,
Kenneth F. Mitchell

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